

CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
SOUTHERN \_\_\_\_\_x

15CV3409

ANGEL MALDONADO [NYSID: 07164222R]  
Full name of plaintiff/prisoner ID#

Plaintiff,

JURY DEMAND

YES ☒ NO ☐

-against-

DORA B. SCHIRO, TONY DURANTE,  
WILLIAM DE BLASIO, MAYOR, CITY of  
NEW YORK et al

Enter full names of defendants

[Make sure those listed above are  
identical to those listed in Part III.]

Defendants.  
\_\_\_\_\_x

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No ( ☒ )
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: \_\_\_\_\_  
\_\_\_\_\_

Defendants: \_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district;  
if state court, name the county)  
\_\_\_\_\_

3. Docket Number: \_\_\_\_\_

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4. Name of the Judge to whom case was assigned: \_\_\_\_\_
5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
\_\_\_\_\_
6. Approximate date of filing lawsuit: \_\_\_\_\_
7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: ANNA M KROSS CENTER

A. Is there a prisoner grievance procedure in this institution? Yes (✓) No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes (✓) No ( )

C. If your answer is YES,

1. What steps did you take? I went through the chain of command at corrections, officers, captains etc. I also submitted a formal written grievance

2. What was the result? STILL PENDING

D. If your answer is NO, explain why not \_\_\_\_\_

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff ANGEL MALDONADO [NYSID # 07164222R]

Address 18-18 HAZEN STREET, EAST ELMHURST, NY 11370

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

DR. DORA B SCHIRO, COMMISSIONER  
NYC. DEPT OF CORRECTION  
75-20 ASTORIA BOULEVARD, E. ELMHURST, NY 11370

Defendant No. 2

TONY DURANTE, WARDEN  
A.M.K.C. C-95/C-71  
18-18 HAZEN STREET, E. ELMHURST, NY 11370

Defendant No. 3

MAYOR BILL DE BLASIO  
NYC. MAYOR'S OFFICE, CITY HALL  
NEW YORK, NEW YORK 10007

Defendant No. 4

N.Y.C. CORPORATION COUNSEL  
100 CHURCH STREET  
NEW YORK, NEW YORK 10007

Defendant No. 5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

## IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

I am currently housed in a dormitory unit that has no ventilation system installed and I am forced to breathe the health hazardous fumes of numerous areas of peeling paint and asbestos around the heating system [which is not properly insulated] and mold/mildew from the radiator. Numerous VCT tiles on the floor are missing and the adhesive used to apply them contains asbestos; several windows in the dormitory do not function and we are forced and confined to breathe these toxic materials on a 24-hour basis, 7 days a week. Myself and several other detainees, who are also housed in the same dormitory unit of 4 upper, brought the situation to the attention of several correction officers and their supervisors as well as medical staff at the jail, specifically Capt. Blake was alerted during his tour on Mar. 25, 2015 to which he dismissively responded "Do what you gotta do". I filed a formal grievance at the facility as did several other inmates, including BRANDI SIMMONS, EUGENE YELANCHUK, AIT ABDULLAH SALEM, TYRON B. MELVILLE, JOHN BOYNER and DANTE GONZALEZ.

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

It is scientifically proven that constant exposure/inhalation of asbestos fumes can, does and will cause cancer.

## V. Relief:

State what relief you are seeking if you prevail on your complaint.

Being that my constitutional amendment has been violated, citing for one the 8th Amendment prohibiting cruel and unusual punishment. By inhaling these toxic materials I am entitled to compensatory damages in the amount of \$30 million and nominal damages in the amount of \$20 million.

I declare under penalty of perjury that on APRIL 14, 2015, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 14th day of APRIL, 2015. I declare under penalty of  
perjury that the foregoing is true and correct.

End Plaintiff

Signature of Plaintiff

AMKC ANNA M. KROSS CENTER C-95/C-71  
Name of Prison Facility

18-18 HAZEN STREET

EAST ELMHURST, NEW YORK 11370

Address

NYSID # 07164222R

Prisoner ID#

Attachment B

Form: # 7101R, Eff.: 09/10/12, Ref.: Dir. #3376 - page 1



City of New York - Department of Correction

# INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name:	Book & Case #:	NYSID # (optional):	
Angel Maldonado	349150/106	07164222R	
Facility:	Housing Area:	Date of Incident:	Date Submitted:
A.M.K.C.	4 UPPER	3/25/15	3/26/15

## Request or Grievance:

I am a detainee at the A.M.K.C. C-95/C-71 facility and on several occasions I have reported the health hazard of asbestos that can contaminate myself as well as other prisoners in the dormitory of 4 upper. On 3/25/15, Capt. BLAKE was informed of the health hazard at 6:40 pm and his response was to 'DO WHAT YOU GOT TO DO' and therefore I am filing this grievance to launch an investigation into this issue.

## Action Requested by Inmate:

To take care of the asbestos problem, or to relocate all of the prisoners there in to save unit.

Please read below and check the correct box:

Do you agree to have your statement edited for clarification by IGRP staff?  
Do you need an IGRP staff to write the grievance or request for you?  
Have you filed this grievance or request with a court or other agency?  
Did you require the assistance of an interpreter?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

Inmate's Signature: W. MillerDate of Signature: 3/26/15

Time Stamp Below:

Grievance and Request Reference #:

Category:

Inmate Grievance and Request Program Staff's Signature:



Attachment B

Form: # 7101R, Eff.: 09/10/12, Ref.: Dir. #3376 - page 2



City of New York - Department of Correction

**INMATE GRIEVANCE AND****REQUEST PROGRAM STATEMENT FORM**

The Inmate Grievance and Request Program (IGRP) at the NYC Department of Correction is available to resolve your individual complaints or concerns about specific matters involving incarceration.

A grievance is a written complaint submitted by an inmate in the Department's custody about an issue, action, condition, or practice relating to the inmate's confinement.

A request is a written individually expressed need for a service, assistance, or accommodation regarding any issue relating to the inmate's confinement.

- You may first seek to resolve the issue or condition by speaking to the involved staff or your housing officer.
- You always have the right to file a grievance or request.
- Before you seek relief from an external entity, like the courts or another agency, you should file your grievance or request with this program.

**THE SUBMISSION AND APPEALS PROCESSES****1. SUBMISSION**

Submit this form (Statement form) to the IGRP office, IGRP staff, or drop it in a grievance and request box.

**2. INFORMAL RESOLUTION**

You will receive a proposed resolution within five days after the IGRP receives the form. If you disagree with the proposed resolution, you will have five business days to appeal and request a formal hearing.

If your submission involves a request to exercise religious beliefs or practices not currently available and you seek to appeal, the Committee on Religious Accommodations will review your request.

**3. FORMAL HEARING OF THE INMATE GRIEVANCE RESOLUTION COMMITTEE**

The Inmate Grievance Resolution Committee (IGRC) will conduct a hearing and render a written disposition within five business days from your request for a hearing.

If you disagree with the IGRC's disposition, you will have five business days to appeal to the commanding officer.

**4. COMMANDING OFFICER'S REVIEW**

The IGRP staff will forward your appeal to the commanding officer within one business day of receiving it. Within five business days of receiving the appeal, the commanding officer will render a written disposition.

**5. CENTRAL OFFICE REVIEW COMMITTEE**

If you disagree with the commanding officer's disposition, you will have five business days to appeal to the Central Office Review Committee (CORC). The CORC will render a disposition within 15 business days of receiving the appeal. The CORC's disposition constitutes the Department's final decision.

ANGEL MALDONADO

BOOK AND CASE # 3491501106 NYSID # 349-150-1106

A.M.K.C [C-95/C-71]

18-18 HAZEN STREET

EAST ELMHURST, NY 11370

TO: NYC COMPTROLLER

c/o SCOTT M. STRINGER

1 CENTRE STREET

NEW YORK, NY 10007

APRIL 2, 2015

RE: NOTICE OF INTENTS

This letter is to serve as a notice of intents that, I ANGEL MALDONADO, intends to sue the city of New York in the matter of ONGOING ASBESTOS problem in which local officials have been alerted to, but no resolution has been sought. Furthermore, my lawn, a dormitory has to have some sort of ventilation system, and not have detainees or prisoners inhaling TOXIC and CARCINOGENIC peeling paint fumes, and asbestos fumes 24 hours a day, seven days a week.

Sworn to me this 31 day of March 2015

Nkechi Igbo  
NOTARY PUBLIC

NKECHI IGBO

NOTARY PUBLIC-STATE OF NEW YORK

No. 011G6163948

Qualified in Queens County

My Commission Expires April 09, 2015

Angel Maldonado

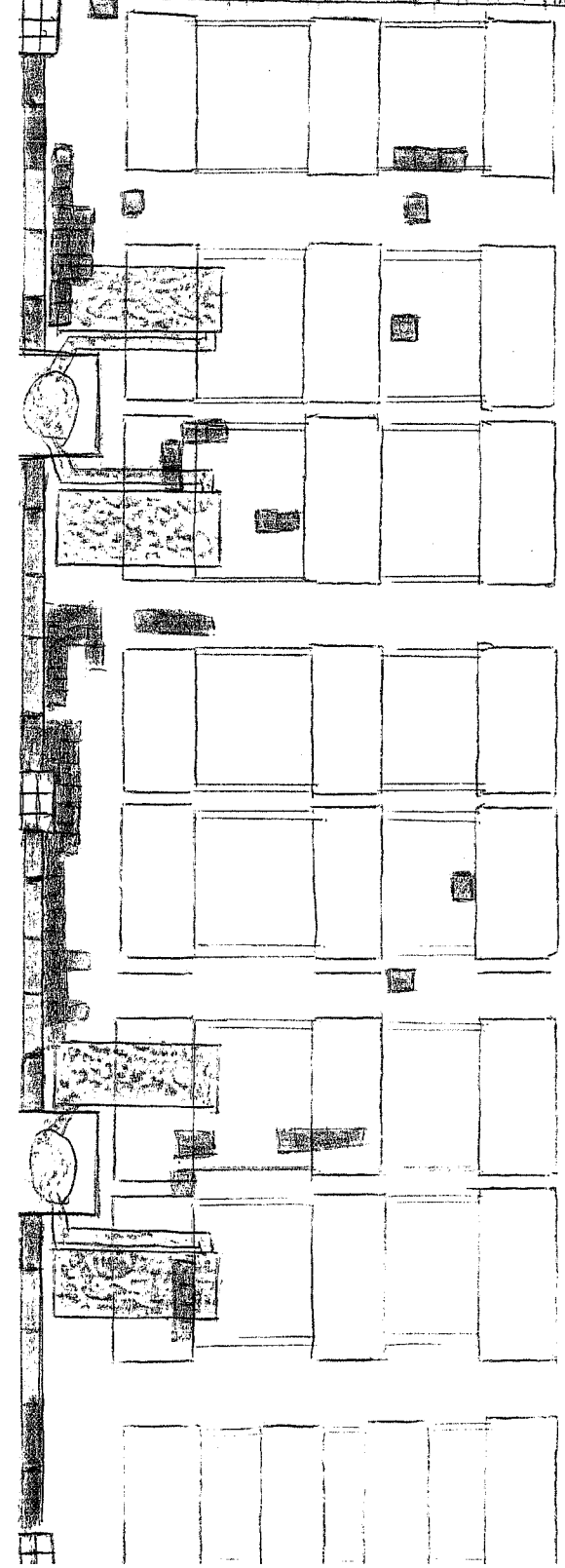
Respectfully submitted

ANGEL MALDONADO

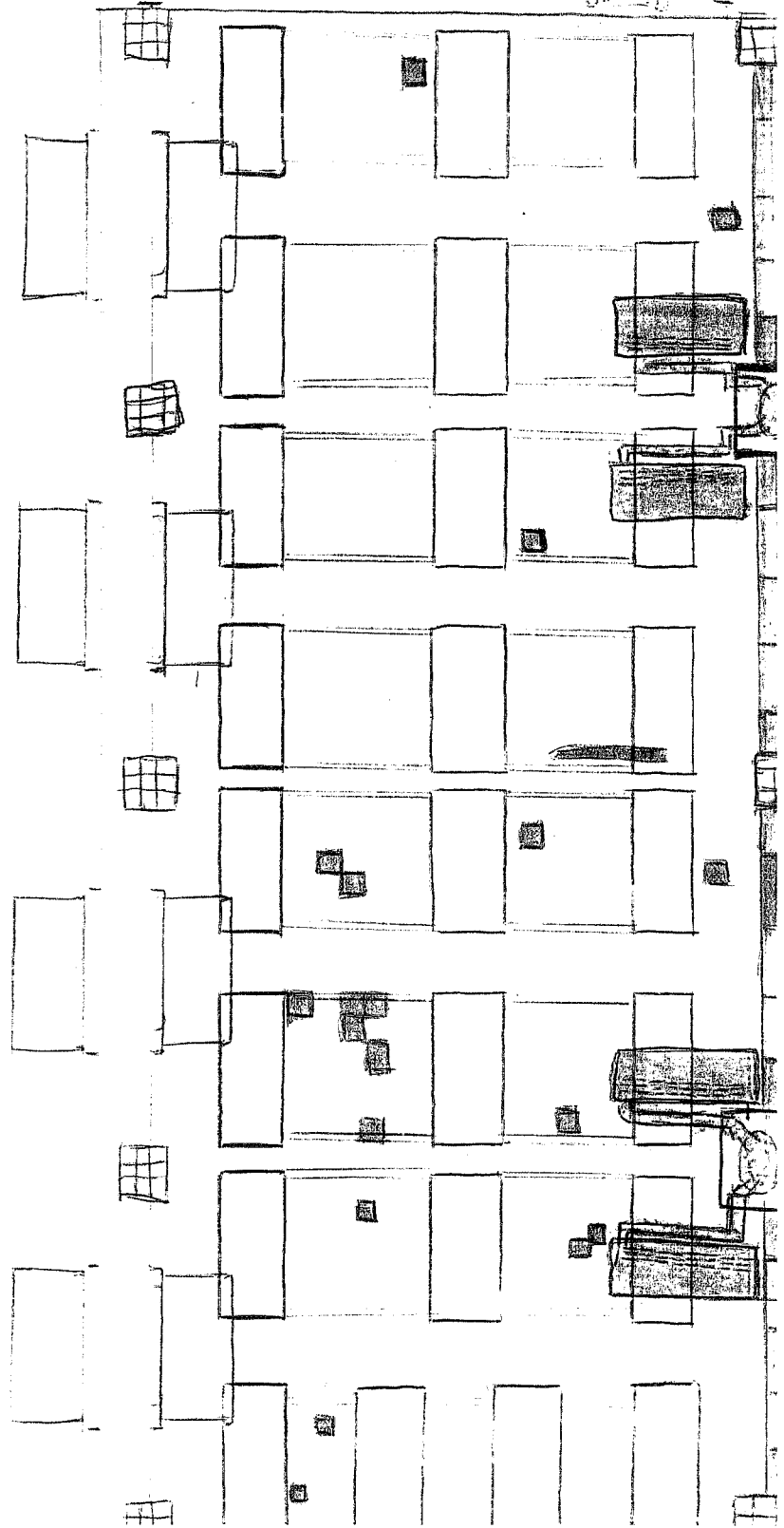




Day Room



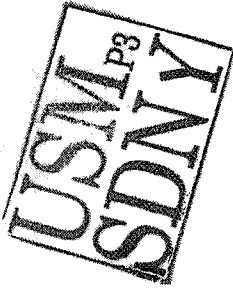
4 Upper Dormitory



GEL MALDONADO [NYSD #07164222R]  
KIC  
18 HAZEN STREET  
ELMHURST, N.Y. 11370

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LEGAL  
MAIL



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1312

Pro-se  
JRB  
4/20/15

